

100TH CONGRESS
2D SESSION

S. 2353

To amend the Federal Laboratory Animal Welfare Act to prohibit the selling of stolen dogs and cats, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 29 (legislative day, APRIL 28), 1988

Mr. FORD introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Federal Laboratory Animal Welfare Act to prohibit the selling of stolen dogs and cats, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Pet Theft Act of 1988".

5 **SEC. 2. ANIMAL WELFARE ACT.**

6 The Federal Laboratory Animal Welfare Act (7 U.S.C.
7 2131 et seq.) is amended by adding at the end thereof the
8 following new section:

1 **“SEC. 28. PROTECTION OF PETS.**

2 **“(a) GENERAL RULE.—**It shall be unlawful for any
3 class B licensee, as defined in section 1.1 of title 9, Code of
4 Federal Regulations (hereinafter referred to in this section as
5 the ‘dealer’), to obtain live random source dogs and cats
6 from—

7 **“(1)** a source other than a State, county, or city
8 owned and operated pound or shelter; or

9 **“(2)** individuals who have not bred and raised
10 such dogs and cats on their own premises.

11 **“(b) HOLDING PERIODS.—**State, county, or city owned
12 and operated pounds and shelters shall hold and care for dogs
13 or cats for a period of at least seven days before selling such
14 dogs or cats to dealers, to enable such dogs and cats to be
15 recovered by their original owners or to be adopted by other
16 individuals.

17 **“(c) CERTIFICATION.—**

18 **“(1) IN GENERAL.—**Dealers may not sell, pro-
19 vide, or make available to any individual or entity a
20 random source dog or cat unless such dealer provides
21 the recipient with a valid certification that meets the
22 requirements of paragraph (2).

23 **“(2) REQUIREMENTS.—**A valid certification must
24 contain—

1 “(A) the name, address, and Department of
2 Agriculture license or registration number (if such
3 number exists) of the dealer;

4 “(B) the name, address, Department of Agri-
5 culture license or registration number (if such
6 number exists), and the signature of the recipient
7 of the dog or cat;

8 “(C) a description of the dog or cat being
9 provided that shall include—

10 “(i) the species and breed or type of
11 such;

12 “(ii) the sex of such;

13 “(iii) the date of birth (if known) of
14 such;

15 “(iv) the color and any distinctive mark-
16 ing of such; and

17 “(v) any other information that the Sec-
18 retary by regulation shall determine appro-
19 priate;

20 “(D) the name and address of the person,
21 pound, or shelter from which the dog or cat was
22 purchased or otherwise acquired by the dealer;

23 “(E) the date of the purchase or acquisition
24 referred to in subparagraph (D);

1 “(F) a statement by the pound or shelter (if
2 the dealer acquired the dog or cat from such) that
3 it satisfied the requirements of subsection (b); and

4 “(G) any other information that the Secre-
5 tary by regulation shall determine appropriate.

6 “(3) RECORDS.—The original certification re-
7 quired under paragraph (1) shall accompany the ship-
8 ment of a dog or cat sold, provided, or otherwise made
9 available by the dealer, and shall be kept and main-
10 tained by the recipient for a period of at least one year
11 for enforcement purposes. The dealer shall retain one
12 copy of the certification provided under this paragraph
13 for a period of at least one year for enforcement
14 purposes.

15 “(d) ENFORCEMENT.—Dealers who fail to act accord-
16 ing to the requirements of this section, or who include false
17 information in the certification required under subsection (c),
18 shall be subject to—

19 “(1) a fine of—

20 “(A) \$1,000 per dog or cat acquired or sold
21 in violation of this section, for first time offenders;
22 and

23 “(B) \$5,000 per dog or cat acquired or sold
24 in violation of this section, for second time offend-
25 ers; and

1 “(2) having such dealers operating licenses (those
2 provided pursuant to part 2 of title 9, Code of Federal
3 Regulations) permanently revoked by the Secretary of
4 Agriculture.

5 “(e) REGULATION.—Not later than 180 days after the
6 date of enactment of this section, the Secretary shall promul-
7 gate regulations to carry out this section.”.

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